

REMARKS

As a preliminary matter, the Examiner acknowledged that certified copies of the priority documents have been received in the Office Action (Paper No. 07232004). However, the Office Action does not indicate that all certified copies have been received. Clarification is respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rogers et al. (U.S. Patent No. 5,557,747). In response, Applicants amended claims 2-10 by canceling claim 1 and writing claims 5-6 in independent form. Claims 2-4 and 7-8 are amended to depend from claim 5. In addition, the subject matter of original claim 5 is incorporated into amended claims 9-10.

As amended, Applicants traverse the rejection of independent claims 5-6 and 9-10 because the cited reference fails to disclose (or suggest), among other things, a monitoring policy changing means or method that increases the frequency of the monitoring and adds a new object and/or item to the coverage of the monitoring, when degradation in service level of a network is observed. Applicants traverse the rejection of independent claim 6 because the cited reference fails to disclose (or suggest) a computer-readable medium that includes, among other things, a monitoring policy changing means that decreases the frequency of the monitoring and withdraws an existing object and/or item from the coverage of the monitoring, when improvement in service level of the network is observed.

Rogers is directed to a network policy implementation system for performing network control operations in response to changes in a network state. The Office Action

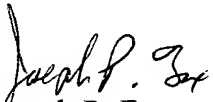
cites column 13, lines 54-62, column 17, lines 30-51, and column 18, lines 43-61 for teaching a monitoring policy changing means that increases/decreases the frequency of the monitoring and adds/withdraws a new/existing object and/or item to/from the coverage of the monitoring, when improvement/degradation in service level of the network is observed. However, Applicants can find no support for the monitoring policy changing means increasing or decreasing the frequency of monitoring in Rogers. Instead, Rogers teaches away from changing the frequency of monitoring by stating “In some cases, the interpreter is responsible for watching for a change, but is assumed that a separate timer module will notify the interpreter at regular intervals to poll the active polled attributes to see if they have changed.” (Col. 17, lns. 17-20). Moreover, the sections cited by the Office Action do not teach or suggest adding or withdrawing objects or items to or from the coverage of the monitoring based on changes in the service level of the network being observed. For these reasons, withdrawal of the §102 rejection is respectfully requested.

New claims 11-12 are added. Claim 11 is original claim 9 which includes the subject matter of original claim 6. Claim 12 is original claim 10, which includes the subject matter of original claim 6. Allowance of these claims is respectfully requested for the reasons recited above.

For all of the foregoing reasons, Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,
GREER, BURNS & CRAIN, LTD.

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300 South Wacker Drive, Suite 2500
Chicago, Illinois 60606
(312) 360-0080
Customer No. 24978

By: 
Joseph P. Fox
Registration No. 41,760